

L O O S E
R E M A R K S
O N

CERTAIN POSITIONS to be found in
— K —
Mr. HOBBS's Philosophical Rudiments
— (L) —
O F
GOVERNMENT and SOCIETY.

With a SHORT SKETCH of
A DEMOCRATICAL Form of Government,
In a LETTER to Signior PAOLI.

L O N D O N :

Printed for T. DAVIES, in Russel-street, Covent-Garden ;
ROBINSON and ROBERTS, in Pater-noster Row; and
T. CADELL, in the Strand.

MDCCLXVII,

12 P L 5

R E M A I N S

Mr. Thompson's Medical



ADDITIONAL COPY OF GOVERNMENT

L O O S E

REMARKS, &c.

MR. Hobbes, in his Philosophical Elements of a True Citizen, sets out with an intention to confute this received opinion, That man is a creature born fit for society. To do this, he enumerates the vicious affections inherent in human nature, which affections are confined to the innate quality of selfishness. From these premises he draws this inference, that man cannot desire society from love, but through hope of gain: therefore, says he *, the original of all great and lasting societies consisted, not in the mutual good will men had toward each other, but in the mutual fear they had of each other.

* Vide Hobbes's Philosophical Rudiments concerning Government and Society, 8vo. ed. 1751.

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THE opinion that man is born fit for society cannot, we apprehend, be affected by Mr. Hobbes's position, if granted ; since in his enumeration of the laws of nature, which he calls the dictate of right reason, he takes in all those virtues which render man not only fit for society, but amiable in it ; and asserts*, that reason, which is the law of nature, is given by God to every man for the rule of his actions. But Mr. Hobbes says †, that infants are born incapable of reason, and all men are born infants ; therefore man is not born a creature fit for society.

MR. Hobbes's argument to prove that man is not born a creature fit for society, seems to be of the same nature with the following :

New-born infants are incapable of walking ;

Therefore man, being born an infant, is not born a creature fit for walking.

But infants are born with two legs, and the power of motion, which are the

* Chap. iv. p. 58, art. 1.

† Chap. i. p. 6, annot. 1.

means for that action when it becomes necessary to their state ;

Therefore man, by being born with the necessary means, cannot be said to be born unfit for walking.

—And infants, tho' born incapable of reason, by being born with human attributes, are born with the means necessary for attaining it ;

Therefore man, by being born with the necessary means, is born a creature apt for reason ; and a creature apt for reason is a creature apt for society.

WE apprehend Mr. Hobbes's reasoning is mere quibbling ; and this, because it is obvious that the meaning of the philosophers whom Mr. Hobbes attempts to confute is, that man is born a creature fit for society, notwithstanding his reasoning faculties do not immediately arrive at maturity. In his infant state, society is the only means of preserving his being ; this makes him love it. In his maturer age, what Mr. Hobbes calls the dictate of right reason makes him capable of it. This reason, according to the same author, is given by God to every man for the rule of his actions ; therefore no man is exempt

from this capability. This amounts to what the philosophers have advanced, that man is born a creature fit for society.

MR. Hobbess, in the enumeration of the rights of that man whom a society have trusted with the supreme command, inserts the following *: *Meum et tuum*, just and unjust, and the like, it belongs to this man to determine. These determinations are called the civil laws, and the civil laws are no other than the commands of him who hath the supreme authority; and † this supreme governor is not to be bound to the civil law, for that would be to be bound to himself. Now, says he ‡, this same supreme command seems so harsh to the greatest part of men, that they hate the very naming of it, and will have a city well enough constituted, if they who shall be the citizens convening do agree concerning certain articles propounded, and in that convent agitated and approved, and do command them to be observed, and punishments prescribed to be inflicted on the breakers of them. Who sees not that

* Vide Dominion, chap. vi. p. 90, et 99.

† Chap. vi. p. 98, et seq. ‡ Chap. vi. p. 103 et 4.

the assembly who prescribed these things had an absolute power? If this assembly dissolves without appointing certain times of meeting, there is a power somewhere left to punish those who shall transgress the laws, which cannot possibly be without an absolute power.

It is evident from this jumble, that Mr. Hobbes, either wilfully or ignorantly, here confounds absolute with limited power. There is a power left to punish those who shall transgress the laws, says he. The very meaning of the word law in this case is a supposition of certain approved articles, to the transgression of which there is affixed certain penalties; therefore a power lodged in the hands of one or more magistrates to inflict fixed penalties on the transgressor of fixed laws, is merely executive. This power can only reach an offender of fixed laws; therefore the offender is punished by the words of the law; not by the will of the inflicter. If there are regal privileges annexed to this executive power, we call it a limited power, because restrained by the aforesaid laws; if without this power, merely executive; if with the aforesaid

aforesaid privileges bound to no laws, absolute.

A MONARCHY *, says Mr. Hobbes, is derived from the power of the people transferring its right to one man. The whole right of the people conveyed on him, he can then do whatsoever the people could do before he was elected ; and the people is no longer one person, but a rude multitude, as being only one before by virtue of the supreme command, now conveyed from themselves on this one man. This elector monarch can do his subjects no injury, because they have subjected their right and will to defend themselves to him : neither doth he oblige himself to any for the command he receives ; for he receives it from the people, who ceaseth to be a person as soon as that act is done ; and the person vanishing, all obligations to the person vanisheth.

A CONTRACT made by two contracting parties must be equally binding ; therefore Mr. Hobbes's figure of the dissolution of

* Vide Dominion, chap. vii. art. 11, p. 118, et seq.

the person does not serve his argument a whit ; for if the person, viz. the people, dissolves, the obligation, if void of one side, is so of the other. If the person continues any breach of the contract, tho' it only affects an individual, disfranchises that person from the obligation of performing their part of the contract ; and if a people, in transferring their right to the monarch, look upon themselves dissolved as a body, and return to so many individuals, yet if that monarch refuse to perform those stipulated articles previous to his being vested with that right, he by his non-performance forfeits that right : that right forfeited returns again to the people, and he himself is no more than one of the multitude. Farther, there can be no such contract without an obligation mentioned or supposed ; for the will of the contractor is necessary to the making of a lawful contract, and no rational person can will so absurdly as to give up his natural right to another, without the proposing to himself more advantages than he could otherwise have enjoyed, had he not divested himself of that right.

WE get a right over irrational creatures,

says Mr. Hobbes*, in the same manner that we do over the persons of men, viz. by force and natural strength: our dominion, therefore, over beasts hath its original from the right of nature, not from divine positive right; for then no man might have killed a beast for his food but he to whom the Divine pleasure was made manifest by holy writ; a most hard condition for men indeed, whom the beasts might devour without injury, and yet they might not destroy them.

YET this is, according to Mr. Hobbes's opinion, the same predicament in which a man stands who has given up his natural right to a monarch. If it is hard to be in the power of a beast to be destroyed without injury, (whose hunger alone compels him to blood-shed) is it not harder to be in the power of the creature man, whose appetites are more various and more capricious than a beast; and these appetites most commonly wax so wanton by power, that they create affections which seem to have no one principle in nature or reason, but all noxious to the safety of man:

* Vide Dominion, art. 10, p. 132 et 3.

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therefore an absolute monarch is a beast of a more peculiar and a more hurtful nature than any other in the creation.

PARENTS can claim no dominion over their children from the act of generation, says Mr. Hobbes* ; that right belongs to the mother only, not from that act, but because she may rightly, and at her own will, breed him up, or adventure him to fortune : if she breed him up, it is supposed to be on condition that he is her servant.

WE know that the right of parents to expose their children has been the civil law of many countries ; but that they have a natural right so to do is a bold assertion of Mr. Hobbes's, which nature and reason contradict. The mother's care for the preservation of her young is an invariable dictate of nature through all her works. Different animals have many qualities opposite to each other, and peculiar to their different species ; yet the tenderness of maternal feeling is common to all, and is a compelling force to obey

* Vide Dominion, chap. ix. p. 135 et 136, article 1, et 2.

this dictate. The human species are more strongly bound to this obligation than brute animals: reason and morality strongly urges the care and preservation of an existence by themselves occasioned as a duty never to be omitted; by the law of justice, therefore, they, being thus bound to this act, cannot have it in their option whether they will do it or not: but Mr. Hobbes will rather advance any absurdity, than own that power has its rights from reasonable causes. We are of Mr. Hobbes's opinion, that it is very absurd to derive the right of parents over their children from the act of generation; their right proceeds only from the tender feelings which are inseparable from the quality of parents. This is the first natural obligation owed by children: this makes it more advantageous for them to be under the commands of their parents, than under any other government. The many benefits which a parent confers on a child in the helpless state of infancy, adds to the first natural obligation. In a maturer age, these obligations have force enough to make it the duty of a child to obey his parents in all things, if their commands are not opposite

posite to the laws of his country, or the dictates of reason : but, as this authority has only its right from supposed benefits bestowed, it must be greater or less in proportion to the degree of those benefits. Parents that are enemies, instead of benefactors, forfeit that right, which alone has its foundation from the obligation of received benefits.

MR. Hobbes, in his comparison of the state of nature with the civil, says *, that the grievance of subjects does not arise from the ill institution or ordination of the government, (because in all manner of governments subjects may be oppressed) but from the ill administration of a well-established government.

WE agree with Mr. Hobbes, that the grievances and oppressions of subjects arise from the ill administration of government ; but to this must add, that, if Mr. Hobbes was as well acquainted with the science of policy, as he is an adept in the art of confounding things, he would know that the peculiar excellence of a government, properly constituted, is to raise

* Vide Dominion, chap. x. p. 150, art. 2.

those to the administration whose virtues and abilities render them capable of this arduous task ; and to deprive those of that office, who upon trial are found at all defective : therefore, a well-constituted government can never be so long ill administered as to become a grievance to the subject.

MR. Hobbes †, in his praise of monarchy, says, that the following arguments hold forth monarchy as more eminent than other governments : first, that the whole universe is governed by one God : secondly, that the ancients preferred the monarchical state beyond all others : thirdly, that the paternal government instituted by God himself, was monarchical : and, lastly, that other governments were compacted by men on the ruins of monarchy.

THAT the universe is governed by one God we will not dispute ; and will also add, that God has an undoubted right to govern what he has himself created, and that it is beneficial to the creature to be governed by the Father of all things ; but that this should be an argument for a man to govern

† Vide Dominion, chap. x. p. 150, art. 3.

what he has not created, and with whom a nation can have no such paternal connexion, is a paradox which Mr. Hobbes has left unsolved.

THE second argument, that the ancients preferred the monarchical state before all others, is an assertion contradicted by the only civilized societies in ancient history, viz. the Greeks, from whom alone we can learn ancient prudence. They disdained this government, and called all pretenders to it tyrants and usurpers.

THE third argument, that the paternal government instituted by God was monarchical, is an assertion which is contradicted by many examples in the only history through which we know of this institution. The power Adam had over his children is not mentioned as of the monarchical kind. We find him no where exercising this power or claiming it as his due; and yet there could not have been a more equitable occasion for exercising it, than the perfidious murder of Abel presented. But, if Mr. Hobbes could prove that the paternal power instituted by God was monarchical, he cannot from that conclude that the monarchical government is preferable

preferable to all others, without falling into his usual absurdities, viz. that a man ought to have a right of governing creatures whom he has not generated, because God has given him a right of governing creatures whom he has generated.

THE last argument, that other governments are compacted by the artifice of men on the ruins of monarchy, makes against the subject of his praise, viz. absolute monarchy. If absolute monarchies were instituted in the earliest times, before the invention of mankind was improved by experience, those other governments built on its ruins, which have both experience and invention for their founders, should be infinitely more excellent from these superior advantages.

SOME there are, says Mr. Hobbes †, who are discontented with the government under one, for no other reason, but because it is under one; as if it were an unreasonable thing, that one man should so far excel in power as to be able at his pleasure to dispose of all the rest. These men, sure, if they could, would withdraw their allegiance from under the dominion of

† Vide Dominion, chap. x. p. 151, art 4.

God :

God: but this exception against one is suggested by envy, while they see one man in possession of what all desire. For the same reason, they would judge it to be as unreasonable if a few commanded, unless they themselves either were, or hoped to be, of the number; for if it be an unreasonable thing, that all men have not an equal right, surely an aristocracy must be unreasonable also.

THE question of government is here artfully, or perhaps ignorantly, confined to two classes, which are equal usurpations on the rights of men, viz. absolute monarchy, and absolute aristocracy. Other comparisons would be too unfavorable to the author's system: but who but such dreamers as Mr. Hobbes does not see, that to be in the absolute power of one, or many men, is justly the object of aversion to any but to those who have fallen into that state of bestiality, to which Aristotle compares men who submit to absolute government.

BECAUSE, says Mr. Hobbes, we have shewn, that the state of equality is the state of war, and that therefore inequality was introduced by a general consent; this inequality, whereby he, whom we have
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voluntarily given more to, enjoys more, is no longer to be accounted an unreasonable thing.

By this dogmatic assertion, that the state of equality is the state of war, it is plain that the poor philosopher is entirely ignorant of the following truth, that political equality, and the laws of good government, are so far from incompatible, that one never can exist to perfection without the other.

BUT, as if Mr. Hobbes intended to shew, that there was no absurdity, however extreme, that he could not fall into, he farther observes, that sure those men who think it an unreasonable thing, that one man should so far excel in power, as to be able to dispose of all the rest, if they could, would withdraw their allegiance from God. As there are few men, but the ingenious author of this observation, would be absurd and wicked enough to put such an equality between God and man, I think it no farther necessary to answer this blasphemy than the order of controversial argument requires. Sure, says the author, such men, if they could, would withdraw their allegiance from God: that is, because men will not submit

submit to be absolutely at the mercy of a weak brother, these men would, if they could, withdraw their allegiance from God. What is this but putting the creature upon an equality with the Creator? If not, where lies the comparison? for the same men, who would not be in the power of a creature, as weak, and perhaps weaker, than themselves, might bless the fate that only subjected them to the merciful, unerring jurisdiction of God. Mr. Hobbes, in his last observation, has given a strong reason against the government under one. But this exception against one, says he, is suggested by envy, whilst they see one man in possession of what all desire. Is it not a very unreasonable thing, that one man, without pretension to superior virtue, should be alone in possession of what all men desire? and that every other individual in a whole nation, however fruitful that nation is of worthy eminent men, should be thus deprived of their share in the government? which must be esteemed the most consummate reward of virtue, if the possession of it is what all men desire.

I CONFESS, says Mr. Hobbes †, that it is a

† Vide Dominion, chap. x. p. 153, art. 6.

grievance when a monarch exacts, besides the honorable sustaining of his own household, and the necessary charges of the commonwealth, sums to satisfy his lusts, enrich his sons, kindred, favourites, and flatterers. This is indeed a grievance, but of the number of those that accompany all kinds of government, and are more tolerable under a monarchy than in a democracy; for, tho' the monarch would enrich them, they cannot be many, because belonging but to one.

THIS assertion is one of Mr. Hobbes's political axioms. They cannot be many, because belonging but to one. Now, if the sons, kindred, and favorites of a monarch, may not be many, because belonging but to one, (tho' we see that this is not an infallible consequence, by the train of kindred, wives, concubines, and favorites, which partake of the wealth of an Asiatic monarch) yet his flatterers may be as numerous as are those of a number of men; for flatterers follow the power, not the person. The common pomp of a court is a heavy burthen to society; and a man who has but few kindred and favorites, may lavish on them few the spoils of a whole

whole nation. That this, in more or less degrees, has been the constant practice of every absolute monarch, the present situation of the greater number of inhabitants of France, Spain, and all countries where this detestable government has taken place, fully evinces. The constant expences of the Asiatic monarchs, without mentioning the examples of a Lewis the Fourteenth of France, a Harry the Eighth of England, or the more ancient ones of a Caligula, a Claudius, a Nero, a Vitellius, are examples that the lusts of one man is sufficient to dissipate all the riches that the industry and frugality of a whole nation can collect. Mr. Hobbes goes farther on with his observation. In a democracy, says he, there are many powerful families to be rewarded.

MEN that deserve reward have, indeed, ever been rewarded in popular governments ; but then it has been with honors of little cost, tho' peculiarly adapted to please and reward generous minds ; such as the various crowns given by the Romans to their most virtuous citizens, or statues erected of them in the public places, both to perpetuate the memory of their wor-

thiness, and also the well-conducted gratitude of their country. Few, if any, are the instances which Mr. Hobbes could have produced, where a democracy ever impoverished the commonwealth, to enrich their favorites, however worthy they esteemed them.

A MONARCH, says Mr. Hobbes, may promote unworthy persons; yet oft-times he will not do it: but, in a democracy, all the popular men are supposed to do it, because it is necessary. However necessary Mr. Hobbes may suppose this to be, it is very certain, that all democracies have taken contrary courses. If by chance any unworthy persons were promoted to high offices, they were never continued long in them; and tho' monarchs may do otherwise, it is almost always their practice to employ the most unworthy men they can find: and, indeed, the designs of a general assembly and an individual being commonly very different, the same sort of persons cannot be proper to execute both. The design of a general assembly must ever be the good of the commonwealth, as conducive to their own general and particular good: this leads them to pitch on those people,

people, whose virtues and abilities are most capable to serve the republic. Now, the designs of an individual being commonly to gratify his own lusts and private advantages, and those lusts and private advantages being ever incompatible with the good of the public, it leads him to employ those villains, whose abilities are equal only to cunning, and proper only to the destruction of the commonweal.

ANOTHER grievance which is complained of in monarchy, says Hobbes*, is that perpetual fear of death, which every man must be in, when he considers, that the ruler hath not only power to appoint what punishments he lists on any transgressions, but that he may also in his wrath and sensuality slaughter his innocent subjects. This is the fault of the ruler, not of the government. All the acts of Nero are not essential to monarchy; and subjects are often less undeservedly condemned under one ruler, than under the people. Kings are only severe against those who either trouble them with impertinent counsel, or oppose their will: wherefore, some Nero

* Vide Dominion, chap. x. p. 154, art. 7.

or Caligula reigning, no man can undeservedly suffer but such as are known to him, and such as are remarkable for some eminent charges ; and not all neither, but they only who are possessed of what he desires to enjoy ; for they that are offensive and contumelious are deservedly punished. Whosoever, therefore, in a monarchy, will lead a retired life, let him be what he will that reigns, he is out of danger.

I SHOULD be glad to find out what our author could mean by this absurd paradoxical distinction, that a tyrant's having it in his power to slaughter his innocent subjects, is the fault of the ruler, not of the government. Tho' a ruler be malicious or sensual enough to desire the slaughter of innocent people for the gratification of his vices, yet, if the nature of the government does not allow him that power, his inclinations alone will not give it him ; therefore his capability of committing these injuries must proceed from the vicious nature of the government, and the sufferings of innocent subjects from the fault of the ruler is a consequence of that viciousness.

MR. Hobbes's next nice distinction is, that
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the acts of a Nero are not essential to monarchy. If Mr. Hobbes means that Nero, tho' in possession of monarchical power, was not under a necessity of doing all the evil that this power made him capable of doing, he is in the right: but I cannot see any advantage he can draw from this argument; for tho' the execrable villainies that Nero committed was not essential to the nature of his power, but proceeded from the profligacy of his disposition, yet that profligacy, which was much encreased, if not created, by absolute power, could not have been fatal to his subjects, had he not been vested with that power; therefore, these accidents, tho' not essential, are the natural consequences of that power.

OUR author's next assertion is, that subjects are often less undeservedly condemned under one ruler than under the people. I could wish he had taken the pains to have given us one single instance to support this assertion: I really do not know one example in settled governments, where the power of the people ever, through malice, wantonness, or rapaciousness, tortured or put to death one fellow-citizen. If such accidents have ever happened, it has been through
mistake;

mistake ; and these examples are so rare, that, were he to produce them against the numbers of innocent and worthy people which have suffered under monarchical power, they would be found as light in the balance, as his own empty arguments against proofs positive.

ONE would think, by our author's following arguments, that he had thrown off his usual gravity, and intended to ridicule the subject of his declared veneration. Kings, says he, are only severe against those who trouble them with impertinent counsel, or oppose their will: therefore, some Nero or Caligula reigning, no man can undeservedly suffer, but such as are known to him, or are remarkable for some eminent charges ; and not all neither, but such as are possessed of what he desires to enjoy ; for they that are offensive and contumelious are deservedly punished. Whosoever, therefore, in a monarchy, will lead a retired life, be he what he will that reigns, is out of danger.—Could the most inveterate enemy to absolute monarchy urge stronger arguments against it, than this man has unwittingly done? whereby he allows, that there does subsist in this kind of government the most

most irremediable inconveniences. 1st. Men cannot give advice to absolute monarchs in the most important affairs of a nation, even tho' inexperience, ignorance, or stupidity, should make them incapable of judging rightly themselves, without being offensive, contumelious, and justly liable to severe punishments. This is making it an impossible thing to mitigate, or in any manner to remedy, the evils that must happen to a nation from being governed by a bad, ignorant, or foolish prince. We are very much obliged to Mr. Hobbes for saving us the trouble of confuting that silly argument, urged by most favorers of kingly government, viz. that an ignorant prince may be helped by understanding counsellors. He is above such stale deceit, and plainly tells us, that it is foolish, and even unlawful, to attempt to oppose, or in any manner correct, an evil which must overwhelm a whole nation in confusion, shame, and misery. By this plain-dealing Mr. Hobbes does fairly acknowledge, that there is in this sort of government a malignity which cannot be avoided, or in any manner corrected. These are the prevailing argu-

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ments which Mr. Hobbes uses to make men in love with kingly power.

THE second is, that no man can deservedly suffer, but such as are known to their monarch, and such as are remarkable for eminent charges; and not all these, but such as are possessed of what he desires to enjoy: therefore, they that will lead a retired life are out of danger, be he what he will that reigns. Worth and innocence, Mr. Hobbes says, will not in this situation protect a subject; but flight and obscurity are the only things which can preserve him: that for these reasons, the most eminent charges of the state must be abandoned by the wise and virtuous to those desperate people, whose mad desire of raising their fortunes, or their necessities, incites them to run the hazard which attend these stations; their principles being such, as does not prevent their complying with the most unjust commands, or the most absurd measures. Mr. Hobbes farther adds, that the only probable security there is for safety, is to dispossess yourself of every thing that is desirable. This is Mr. Hobbes's description of a regal government, which he has made more intolerable

lerable than his state of nature, viz. every man at war with every man; for in this state, strength, prudence, and fortitude, may support one; flight and obscurity is the last resource; but Mr. Hobbes cannot prove, that even flight and obscurity will save a whole society from the evils of his regal government. There are many objections to this assertion: 1st. Numbers of people may suffer before the disposition of a bad monarch can be known. 2dly, It is not to be supposed, that such a monarch would be left alone without society, and the privilege of making use of his subjects for his state, convenience and amusement. I think Mr. Hobbes cannot propose this as a means to be taken only by a few; for that would be as if he was to say, that plague and famine were not evils, because a small number might escape them.

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SHORT SKETCH, &c.

Addressed to Signior PAOLI.

WARM wishes for the welfare of yourself and illustrious countrymen, renowned Paoli! are the motives that stimulate me to address you on the important subject of Corsican liberty. Free establishments are subjects I have studied with care; and the strong rumors which prevail, that the Corsicans are going to establish a republic, makes me address you, as if this was the determined point to which your views were turned.

Of all the various models of republics, which have been exhibited for the instruction of mankind, it is only the democratical system, rightly balanced, which can secure the virtue, liberty, and happiness of society. In such constructions
alone

alone are to be found impassable bars to vicious pre-eminence; and the active ambition of man will stimulate him to attain excellence, where excellence can alone procure him distinction. The very nature of slavish dependance and proud superiority are equally baneful to the virtues inherent in mankind: the first, by sedulous attention and mean adulation to please its master, undermines, and at last subdues, the innate generous principles of the soul; and the fond delights of superiority extinguish all the virtues which ennoble human nature, such as self-denial, general benevolence, and the exalted passion of sacrificing private views to public happiness.

HAVING endeavored to specify the advantages accruing from a democratical republic, I shall enter, first, into those things essential to the proper form of this species of government; and, 2dly, into that part of the constitution which defends it from corruption.

IT is necessary to the proper form of this republic, that there should be two orders in the state, viz. the senate and the people.

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THE first order is necessary, because in a well-constituted senate there is wisdom; and, if this order is prevented by proper restraint from invading public liberty, they will be the surest guardians of it. The second order is necessary, because that, without the people have authority enough to be thus classed, there can be no liberty.

THE form of the republic being thus established, let the debate be in the first order, viz. the senate; and the result in the second order, viz. the people, tho' with the power of debating likewise.

LET not the number of men that represent the first order be above fifty, to prevent the confusion which usually springs from assemblies too numerous. Let the order of the people be represented by a certain number of men, not under two hundred and fifty, elected out of this order by the several districts or cities into which this island may be divided.

LET the generals, admirals, civil magistrates, and officers of every important post, be taken out of the senatorial order, *i. e.* among those who have held the rank of senators, with the privilege of having a
vote

vote in the senate during the time that they are in office, tho' not otherwise elected into that assembly. Let the power of electing these magistrates and officers be in the representative body.

LET the senate, or its committee, meet thrice every week, or occasionally, as the necessity of their office requires. Let the representatives of the people meet at stated times, or occasionally, as the necessity of their office requires.

LET there be the power of appeal from every court of justice to the senate, and then to the representatives of the people.

LET the affairs of commerce, and all matters relative to the state and executive powers of government, be determined by the representative body, after they have been first debated in the senate; but let not the representative assembly have the power of determining peace and war, imposing taxes, the making and altering laws, till these subjects have been first debated by the senate, and proposed by them to the collective body of the people. Let these proposals be promulged a fortnight before the meeting of the representatives towards the passing them; that
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the people may have time to deliberate on them, and give what directions they shall judge proper to their representatives.

Now, having settled what relates to the form and established powers of the republic, we must consider that part which defends it from corruption.

THIS must be considered under these two articles, viz. the rotation of all places of trust, and the fixing the Agrarian on a proper balance.

THE rotation of all the places of trust is so strong a preservative against the decay of a republic, that the Roman constitution, tho' otherwise defective, might perhaps have stood to this day, had the Romans never dispensed with that salutary ordinance. This dispensation was one of the fatal wounds, which hurried on its dissolution in the very meridian of its glory. The prolongation of the commands of Marius, Sylla, Pompey, and Cæsar, were the means which its unnatural, and too much pampered citizens made use of to destroy it. The downfall of this glorious republic has been a notable argument, with shallow politicians, against every con-

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stitution of this kind ; but it serves wise legislators cautiously to avoid those faults which produced this fatal effect.

THE examination of the defective part of the Roman constitution will shew the importance of the second article, viz. the fixing the Agrarian on a proper balance.

THE Agrarian of the Roman republic was never fixed on a proper balance : Brutus and Publicola either did not foresee the evil that such a neglect would produce, or, content with the glory they had acquired, left this atchievement to succeeding patriots.

BUT this was the capital defect which brought this excellent fabric to decay ; this was the defect which the Gracchi made such generous efforts to amend. Had they succeeded in their attempt, the Roman republic might have been as immortal as time itself ; for, had the Agrarian been ever fixed on a proper balance, it must have prevented that extreme disproportion in the circumstances of her citizens, which gave such weight of power to the aristocratical party, that it enabled them to subvert the fundamental principles
of

of the government, and introduce those innovations which ended in anarchy. Anarchy produced its natural effect, viz. absolute monarchy. Thus ended a government, whose salutary influence raised her citizens to a degree of perfection beyond the powers of vulgar conception; and thus succeeded a government, whose baneful influence debased its subjects to as low a state of infamy, as that of the others had been great and glorious. A due consideration of these effects will, I hope, make manifest the necessity of the rotation and proper Agrarian. There remains now to shew the best method of fixing these regulations.

FIRST, the rotation. Let the whole senate be changed once in three years, by a third part at a time yearly. Let the vacant posts be supplied from the body of the representatives, by the election of the people. Let that body undergo the same rotation, and be supplied from the people. If any of the representative members should be elected into the senate, that are not by the course of the rotation to go out of the representative council, their

places must be supplied from the people. Let no member of either the senatorial or representative body, be capable of re-election under the space of three years. Let the admirals, generals, civil magistrates, and all the officers of important posts, lay down their commission at the end of the year, nor be capable of re-election under the aforesaid time of probation. The rotation thus settled, we come to the second consideration, viz. the proper Agrarian.

LET the Agrarian be settled in such a manner, that the balance of land inclines in favor of the popular side. To prevent the alteration which time would make in this balance, let the landed and personal effects of every man be equally divided at his decease, between the males, heirs of his body; in default of such heirs, between his male heirs in the first and second degree of relationship.

IF any man during his life-time, by gift, make a distribution of his estate or effects contrary to the meaning of this law; let his heirs, by suit in the proper courts of justice, obtain a lawful distribution, and let

let the penalty incurred by the offender be an immediate dispossession of his estate and effects to his lawful heirs.

LET no females be capable of inheriting or bringing any dower in marriage.

THE provision for every female, who, through any natural defect, is not capable of marriage, must be made by way of annuity by the male heirs nearest of kin. These, I think, are irresistible bars to the alteration which time would otherwise make in the balance.

IF the exigencies of the republic should ever find it necessary to lodge the executive powers of government in the hands of one person, let there be a law made to limit it to one month. Let the representative assembly have the power of nominating the person, and continuing this command from month to month, if the exigencies of the state demands it; but let not any one person be capable of holding this office above a year.

THE remedy of a dictator should never be made use of, but in the most desperate cases; and, indeed, it is not probable that
such

such a government should ever be in a situation to want it.

THIS, renowned Paoli! is but the rough sketch of that only form of government which is capable of preserving dominion and freedom to the people. If a farther correspondence on the same subject should prove agreeable to you and your illustrious countrymen, I shall in my next treat at large of the militia, the police, the education of youth, and other points necessary to good government, and the farther security of liberty.

The necessity of having an unrestrained power lodged in some person, capable of the arduous task of settling such a government as the above described, is too visible to need any recommendation; nor is it less so, that there is no person so capable of this high employment as Signior Paoli, who, having long directed the councils of a brave people in the glorious struggle for liberty, should finish his career by making that liberty beneficial and permanent. This is an opportunity of immortalizing your name, renowned Paoli! which few
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men have had within their power, and fewer have had wisdom enough to seize on, but rather through their folly have turned it to disgrace and infamy : but that you may be ranked among the foremost of mortals, with Timoleon, Lycurgus, Solon, and Brutus, is the sincere wish of your great admirer and very humble servant.

E R R A T A.

Page 7. line 7. *for that read the* — P. 9. l. 29. *for Hobbes read* Hobbes — P. 20. l. 4. *for a democracy read democracies* — P. 21. l. 2. *for republic read public* — P. 24. l. 4. *for which read who* — P. 25. l. 1. *read most irremediable inconvenience.* Men — *Ditto*, l. last, *for They are read This is one of* — P. 32. l. 26. *for a fortnight read one month.*

F I N I S.

